

PATENT**REMARKS**

It is respectfully requested that the Office enter the above claim amendments and following remarks before considering the RCE filed concurrently herewith. Claims 2, 3, 5-24 and 26 are currently pending in this application. Claims 1, 4, 25 and 27-64 have been cancelled without prejudice. Reconsideration is respectfully requested in light of the above claim amendments and the following remarks.

The Examiner rejected claims 2-8, 10, 11, 15-17, 19, 20 and 22-25 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,379,300 to Haubrich. Applicants respectfully traverse this rejection.

Applicants' claimed invention as recited in independent claims 3, 8 and 10 is directed to an implantable cardiac therapy device with an enclosed casing to hold both cardiac therapy circuitry and high-frequency communication circuitry. For example, claim 3 recites an implantable cardiac therapy device that includes an enclosed casing that houses cardiac therapy circuitry in electrical isolation from a high-frequency transceiver which is adapted to transmit and receive communication signals via an antenna. The enclosed casing includes a first chamber to house the cardiac therapy circuitry and a second chamber to house the high-frequency transceiver. (Underlining added for emphasis only). Applicants respectfully submit that Haubrich does not disclose or suggest the recited claim elements.

The Examiner alleges that Haubrich discloses a device having a casing with a first chamber in the form of enclosure 12 and a second chamber in the form of header 14 that isolate pacing/sensing circuitry 28 from communication circuitry in the form of an antenna and diplexers. What Haubrich actually discloses is an implantable device having a first enclosed casing in the form of "a hermetic metal enclosure 12" that houses both the cardiac therapy circuitry (i.e. the pace/ sense circuitry) and the transceiver 24 (Haubrich, col. 2, lines 65-67) and a second enclosed casing in the form of connector block 14 or header that houses diplexers. (Haubrich, col. 2, lines 49-53).

Thus, Haubrich does not disclose or in any way suggest a device having an enclosed casing having a first chamber to house cardiac therapy circuitry and a second chamber to house a high-frequency transceiver as recited in claim 3 of the present invention. Rather, the device of Haubrich is formed by two separate enclosed casings

PATENT

one which houses both the cardiac therapy circuitry and the transceiver and a second which houses diplexer filters. Accordingly, applicants respectfully submit that independent claim 3 is novel and unobvious over Haubrich and is therefore allowable. Applicants further submit that claims 2, 5-7 and 9 that depend from claim 3 are allowable as is claim 3 and for additional limitations recited therein.

Independent claims 8, 10 and 19 recite similar limitations and are therefore also allowable. For example, independent claim 8 recites an implantable cardiac therapy device having an enclosed casing having a first chamber to house cardiac therapy circuitry and a second chamber to house an RF transceiver, a diplexer and a filtered feed-through to pass low-frequency signals from the second chamber into the first chamber of the enclosed casing. As noted above with respect to claim 3, in the implantable device of Haubrich the "circuitry within device housing 12 includes a transceiver coupled to antenna 20 and pacing/sensing circuitry ..." (Haubrich, col. 2, lines 65-67). Thus, in Haubrich, the RF transceiver is contained within the same chamber/casing as the pacing/sensing circuitry.

Haubrich does not therefore disclose or suggest an implantable device having an enclosed casing having a first chamber to house cardiac therapy circuitry and a second chamber to house the RF transceiver as recited in independent claim 8. Accordingly, applicants respectfully submit that independent claim 8 is novel and unobvious over Haubrich and is therefore allowable.

Similarly, independent claim 10 recites an implantable device having an enclosed casing constructed to define first and second chambers in frequency isolation from one another, the first chamber housing first circuitry to handle low-frequency signals and the second chamber housing second circuitry to transmit and receive high-frequency signals via an antenna. As noted above with respect to claims 3 and 8, in the implantable device of Haubrich the "circuitry within device housing 12 includes a transceiver coupled to antenna 20 and pacing/sensing circuitry ..." (Haubrich, col. 2, lines 65-67). Accordingly, applicants respectfully submit that independent claim 10 is also novel and unobvious over Haubrich. Applicants further submit that claims 11-18 that depend from claim 10 are allowable as is claim 10 and for additional limitations recited therein.

PATENT

Similarly, independent claim 19 recites an implantable cardiac therapy device with a first can to house cardiac therapy circuitry and a second can to house a high-frequency transceiver adapted to transmit and receive high frequency signals via an antenna, the first and second cans being configured to permit electrical communication between the high-frequency transceiver and the cardiac therapy circuitry while preventing high-frequency signals emanated in the second can from interfering with the cardiac therapy circuitry in the first can. Applicants respectfully submit that Haubrich does not disclose or suggest the recited claim elements.

Rather, as noted above the transceiver of Haubrich, which transmits and receives signals via the antenna in the header, is contained in the same can or housing as the pace/sense circuitry. Accordingly, applicants respectfully submit that claim 19 is novel and unobvious over Haubrich and is allowable. Applicants further submit that claims 20-24 and 26 that depend from claim 19 are allowable as is claim 19 and for additional limitations recited therein.

In light of the above amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Therefore, entry of this amendment and an early notice of allowance is requested.

Respectfully submitted,

8-4-05

Date



Peter A. Nichols, Reg. No. 47,822
Patent Attorney for Applicants

CUSTOMER NUMBER: 36802